



08/423194

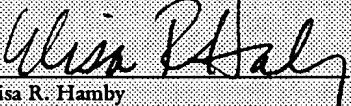
Attorney Docket No.: P0871P4D2  
PATENT

**CERTIFICATION UNDER 37 CFR 1.10**

EB 617 269 618: Express Mail Number

April 18, 1995: Date of Deposit

I hereby certify that this Transmittal of Filing Under 37 CFR 1.60(b) and the documents referred to as enclosed therein are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

  
Elisa R. Hamby

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

PRIOR APPLICATION Serial No. 08/249,376  
PRIOR APPLICATION Examiner: Unassigned  
Art Unit: 1804

BOX PATENT APPLICATION  
Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**TRANSMITTAL OF FILING UNDER 37 CFR 1.60(b)**

This is a request for filing a

continuation  
 divisional

application under 37 CFR 1.60, of pending prior application Serial No. 08/249,376 filed on 25 May 1994

of    **Dan L. Eaton**  
      **Frederic J. De Sauvage**  
for    **MPL LIGAND**

**1. Copy of Prior Application as Filed Which is Attached**

I hereby verify that the attached papers are a true copy of what is shown in my records to be the above-identified prior application, including the oath or declaration originally filed (37 CFR 1.60).

The copy of the papers of prior application as filed which are attached are as follows:

103 pages of specification  
4 pages of claims  
1 page(s) of abstract  
20 sheet(s) of drawings

2 pages of declaration and power of attorney

*(If the copy of the declaration being filed does not show applicant's signature, because the attorney's records do not contain a copy of the signed declaration actually filed for the application, indicate thereon that it was signed and complete the following:)*

in accordance with the indication required by 37 CFR 60(b), my records reflect that the original signed declaration showing applicant's signature was filed on 8/30/94 (copy enclosed).

the amendment referred to in the declaration filed to complete the prior application and I hereby state, in accordance with the requirements of 37 CFR 1.60(b), that this amendment did not introduce new matter therein.

## 2. Amendments

Cancel in this application original claims 3-5, 7-16 and 20-37 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

A preliminary amendment is enclosed.

## 3. Petition for Suspension of Prosecution for the Time Necessary to File an Amendment

There is provided herewith a Petition To Suspend Prosecution for the Time Necessary to File an Amendment (New Application Filed Concurrently).

## 4. Information Disclosure Statement

An Information Disclosure Statement is submitted herewith.

## 5. Fee Calculation (37 CFR 1.16)

CLAIMS FOR FEE CALCULATION					
Number Filed		Number Extra		Rate	Basic Fee 37 CFR 1.16(a)
					\$730.00
Total Claims	6	-20 =	0	x \$22.00	\$0
Independent Claims	2	- 3 =	0	x \$76.00	\$0
<u>Multiple dependent claim(s), if any</u>				+ \$240.00	\$0
Filing Fee Calculation					\$730.00

## 6. Priority -- 35 U.S.C. 119

Priority of application Serial No. filed on in is claimed under 35 U.S.C. 119.

The certified copy has been filed on in prior U.S. application Serial No. , which prior application was filed on .

certified copy will follow.

**7. Relate Back -- 35 U.S.C. 120**

Amend the specification as follows:

On page 1 line 11, after "This is a" please insert --divisional of pending U.S. patent Application Serial No. 08/249,376 filed May 25, 1994, which is a--.

**8. Inventorship Statement**

*(complete appropriate items (a) and (b) below)*

(a) With respect to the prior copending U.S. application from which this application claims benefit under 35 USC 120 the inventor(s) in this application are:

the same

less than those named in the prior application and it is requested that the following inventor(s) identified above for the prior application be deleted:

(b) The inventorship for all the claims in this application are

the same

not the same, and an explanation, including the ownership of the various claims at the time the last claimed invention was made, is submitted.

**9. Assignment**

the prior application is assigned of record to GENENTECH, INC.

an assignment of the invention to is attached. (Attach with Recordation Form).

**10. Fee Payment Being Made at This Time**

**ATTACHED**

<input checked="" type="checkbox"/>	basic filing fee	\$ 730.00
<input type="checkbox"/>	recording assignment (\$40.00; 37 CFR 1.21(h))	\$
<input type="checkbox"/>	processing and retention fee (\$130.00; 37 CFR 1.53(d) and 1.21(l))	\$

**TOTAL FEE ENCLOSED:** \$ 730.00

**11. Method of Payment of Fees**

<input checked="" type="checkbox"/>	charge Account No. 07-0630 in the amount	<u>\$ 730.00</u>
<input checked="" type="checkbox"/>	A duplicate of this request is attached.	

**12. Authorization to Charge Additional Fees**

The Commissioner is hereby authorized to charge any additional fees required under 37 CFR §1.16 and 1.17, or credit overpayment to Deposit Account No. 07-0630.

**13. Power of Attorney**

The power of attorney in the prior application is to:

Walter E. Buting - Reg. No. 23,092	Ginger R. Dreger - Reg. No. 33,055
Richard B. Love - Reg. No. 34,659	Renee A. Fitts - Reg. No. 35,136
Janet E. Hasak - Reg. No. 28,616	Stephen Raines - Reg. No. 25,912

Sean A. Johnston - Reg. No. 35,910      Daryl B. Winter - Reg. No. 32,637  
Dennis G. Kleid - Reg. No. 32,037

- a.  The power appears in the original papers in the prior application.
- b.  The power does not appear in the original papers, but was filed on (copy enclosed).
- c.  A new power has been executed and is attached.
- d.  Address all future communications to:

GENENTECH, INC.  
Attn: Daryl B. Winter  
460 Point San Bruno Boulevard  
South San Francisco, CA 94080-4990  
(415) 225-1249

*[Item d may only be completed by applicant or agent of record].*

**14. Maintenance of Copendency of Prior Application**

*[This item must be completed and the necessary papers filed in the prior application if the period set in the prior application has run]*

- A petition, fee and response has been filed to extend the term in the pending prior application until
- A copy of the petition for extension of time in the **prior** application is attached.

**15. Conditional Petitions for Extension of Time in Prior Application**

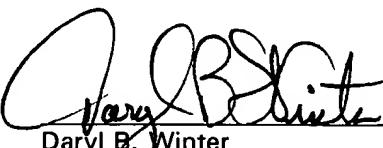
- A conditional petition for extension of time is being filed in the pending prior application
- A copy of the conditional petition for extension of time in the **prior** application is attached.

**16. Abandonment of Prior Application (*if applicable*)**

- Please abandon the prior application at a time when the prior application is pending or when the petition for extension of time or to revive in that application is granted and when this application is granted a filing date so as to make this application copending with said prior application. At the same time please add the words "now abandoned" to the amendment to the specification set forth in 7. above.

Dated: April 18, 1995

GENENTECH, INC.  
460 Point San Bruno Blvd.  
South San Francisco, CA 94080-4990  
(415) 225-1249

  
\_\_\_\_\_  
Daryl B. Winter  
Registration No. 32,637

- Inventor
- Assignee of complete interest
- Person authorized to sign for assignee
- Attorney or agent of record
- Filed under rule 34(a)